

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**SYLVIA AVALOS, Individually,
as Personal Representative of the
Estate of Adam Avalos, and in her
capacity as Parent and Next Friend
of Ariel Avalos and Adam Avalos, Jr.,**

Plaintiff,

v.

CIV 06-0836 RB/LAM

**BOARD OF COUNTY COMMISSIONERS
OF DOÑA ANA COUNTY, NEW MEXICO,**

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on Magistrate Judge Lourdes A. Martínez' Sealed Proposed Findings and Recommended Disposition (*Doc. 150*) (hereinafter, "PF&RD"), filed on May 5, 2008. The parties to this case have waived their right to file objections to the PF&RD pursuant to 28 U.S.C. § 636(b)(1). *See* Joint Waiver of Objection Period (*Doc. 147*), filed on April 29, 2008. The Court has reviewed the PF&RD, the record in this case and relevant law and determined that it will adopt the PF&RD; grant the parties' Amended Motion for Approval of Settlement Agreement (*Doc. 148*); approve the settlements for the benefit of the minor children of Adam Avalos, decedent, and the methods of distributing the settlement proceeds to said minor children that are described in Exhibit 1 to Exhibit A to the parties' amended motion to approve the settlement; approve as fair and reasonable the guardian *ad litem's* fees and costs described in his Supplemental Guardian Ad Litem Report (*Doc. 146*) and order Defendant Board of County Commissioners of Doña Ana County, New Mexico, to pay such fees and costs within thirty (30)

days after entry of this order; and deny as moot the parties' Motion for Approval of Settlement (*Doc. 140*).

IT IS THEREFORE ORDERED THAT:

1. The Sealed Proposed Findings and Recommended Disposition (*Doc. 150*) are **ADOPTED** by the Court;

2. The parties' Amended Motion for Approval of Settlement Agreement (*Doc. 148*) is **GRANTED**;

2. The settlements for the benefit of the minor children of Adam Avalos, decedent, and the methods of distributing the settlement proceeds to said minor children that are described in Exhibit 1 to Exhibit A to the parties' Amended Motion for Approval of Settlement Agreement (*Doc. 148*) are **APPROVED**;

3. The guardian *ad litem*'s fees and costs described in his Supplemental Guardian Ad Litem Report (*Doc. 146*) are **APPROVED** as fair and reasonable, and Defendant Board of County Commissioners of Doña Ana County, New Mexico, shall pay such fees and costs within thirty (30) days after entry of this order; and

4. The parties' Motion for Approval of Settlement (*Doc. 140*) is **DENIED** as moot.

IT IS SO ORDERED.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE